

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER SCOTT HURST,

Defendant.

Cause No. CR 18-58-BLG-SPW

ORDER

Defendant Hurst moves the Court to reduce the sentence under 18 U.S.C. § 3582(c)(1)(A). His currently projected release date is April 13, 2024. *See* Inmate Locator, <http://www.bop.gov/inmateloc> (accessed June 16, 2022).

Counsel has filed an amended motion (Doc. 249). The United States failed to respond. At this time, however, the Court will deny the motion regardless of the United States' omission.

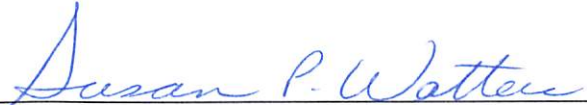
Hurst anticipates completing the Residential Drug-Abuse Prevention Program ("RDAP") in late March or early April of 2023 and asks to be released at that time. *See* Am. Mot. (Doc. 249) at 6, 11. That date is several months in the future. The Court is not aware of any jurisdictional or legal proscription against ruling on Hurst's motion and reducing his sentence without granting release. But

facts may arise that will change the picture presented at this time. New facts may counsel against reducing the sentence or might support a greater reduction or an earlier release. In either case, the Court's and the parties' work on the current motion would become not only superfluous but potentially unwise. *See* 18 U.S.C. § 3553(a)(1)–(2), (4)–(7).

Consequently, the Court declines to rule on Hurst's motion at this time. He may file anew, through current counsel, when he has properly exhausted another, timely request for a reduced sentence and seeks release.

Accordingly, IT IS ORDERED that Hurst's motion to reduce the sentence under 18 U.S.C. § 3582(c)(1)(A) (Docs. 241, 242, 249) is DENIED.

DATED this 11th day of October, 2022.



Susan P. Watters
United States District Court